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UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

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EL SOL BRANDS, INC. d/b/a R-BEST	:	Case No.: 07 CV 11562 (SHS)
TROPICALS; CARAVEO PAPAYAS, INC.,	:	
	:	[ECF CASE]
Plaintiffs,	:	
	:	
- against -	:	DECLARATION OF
	:	SERVICE UPON
PRIME PRODUCE GROUP, INC., a New York	:	SUNG GON KIM,
corporation; KYUNG HEE AN, an individual;	:	a/k/a SAM KIM
JETS PRODUCE CORP., a New York	:	
corporation; JAY LEE, an individual; JOUNG	:	
LEE, an individual; M.Y. PRODUCE, INC., a	:	
New York corporation; MYONG KON KIM,	:	
an individual, a/k/a YOUNG KIM; and	:	
SUNG GON KIM, an individual, a/k/a SAM	:	
KIM,	:	
	:	
Defendants.	:	
	:	
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I, Gene Lombardi, declare as follows:

1. I am over 18 years of age. My business address is 475 Main Street, Suite 1F, Farmingdale, NY 11735.
2. This declaration is based upon my personal knowledge.

3. On December 27, 2007, I caused to be served on defendant SUNG GON KIM, a/k/a SAM KIM ("Defendant"), true copies of the following documents:

- i) Summons;
- ii) Complaint;
- iii) Individual Practices of Judge Sidney Stein.
- iv) Individual Practices of Magistrate Judge Nathaniel Fox;
- v) 3rd Amended Instructions for Filing an Electronic Case or Appeal;
- vi) USDC SDNY Procedures for Electronic Case Filing; and
- vii) USDC SDNY Guidelines for Electronic Case Filing (collectively, the "Documents for Service")

by *[check applicable box below]*:

☒ a) serving personally upon Defendant at the following address: 264-265 Row B, Hunts Point Market, Bronx, NY 10474 at 10:00 a.m. I know that the person I served was the Defendant because I have known the Defendant for 1 year based on sales and deliveries **OR**, the Defendant identified himself to me as the person named as the Defendant in this action; **or**

☐ b) by delivering true copies of the Service Documents to a person by the name of _____, a person of suitable age and discretion, at Defendant's actual place of business, _____. Declarant describes the person to whom the Service Documents were delivered as follows:

<u>Sex</u>	<u>Height</u>	<u>Weight</u>	<u>Age</u>	<u>Skin Color</u>	<u>Hair Color</u>
<input checked="" type="checkbox"/> Male	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.	<input type="checkbox"/> 18-20 Yrs.	Describe color:	<input checked="" type="checkbox"/> Black
<input type="checkbox"/> Female	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 100-130 Lbs.	<input type="checkbox"/> 21-35 Yrs.	<u>Brown</u>	<input type="checkbox"/> Brown
	<input checked="" type="checkbox"/> 5'4"-5'8"	<input checked="" type="checkbox"/> 131-160 Lbs.	<input checked="" type="checkbox"/> 36-50 Yrs.	_____	<input type="checkbox"/> Blond
	<input type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 Lbs.	<input type="checkbox"/> 51-65 Yrs.	_____	<input type="checkbox"/> Gray
	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.	<input type="checkbox"/> Over 65 Yrs.	_____	<input type="checkbox"/> Red
					<input type="checkbox"/> White
					<input type="checkbox"/> Balding
					<input type="checkbox"/> Bald

Other identifying features, if any: None.

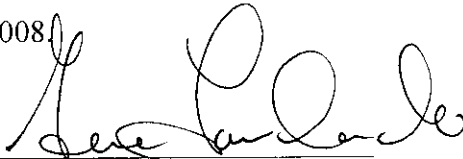
4. In the event service was made under paragraph 3.b. described above, on _____, 2008, I also I caused to be mailed to the Defendant a set of the Documents for Service in a postage paid envelope addressed to Defendant as follows: “_____” by depositing same in an official depository under the exclusive care and custody of the United States Postal Service within New York State. The envelope bore the legend “Personal & Confidential” and did not indicate on the outside thereof, by return address or otherwise, that it was from an attorney or concerned an action against the Defendant.

5. In the event service was made under paragraph 3.a, at the time I served the Defendant, I asked him/her if he/she was in the military service of this state, any other state, or this nation, and the Defendant responded in the negative.

[SPACE BELOW INTENTIONALLY LEFT BLANK]

I declare under penalty of perjury under the laws of the State of New York that the foregoing is true and correct.

Signed at New York, New York on January 15, 2008.

By: 
GENE LOMBARDI